

Hearing Recommending Termination of Juvenile Court Jurisdiction
Over a Non-Minor Dependent

(Welfare and Institutions Code sections 224.1(b), 303,366.31,391, 607.3, 16501.1(f)(16))

I. Applicability

- A. This rule applies to any hearing during which the termination of the juvenile court's jurisdiction over the following non-minors will be considered:
 - 1. A non-minor dependent as defined in Welfare and Institutions Code section 11400(v) ; or
 - 2. A dependent of the juvenile court 18 years of age or older and subject to a foster care placement order.
 - B. Nothing in the Welfare and Institutions Code or in the California Rules of Court restricts the ability of the juvenile court to maintain dependency jurisdiction over a person 18 years of age and older who does not meet the eligibility requirements for status as a non-minor dependent.
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II. Setting and conduct of hearing

- A. A court hearing placed on the appearance calendar must be held before terminating juvenile court jurisdiction.
 - B. The hearing under this rule may be held during a hearing required under section 366(f), 366.21, 366.22, 366.25, 366.3, 727.2, or 727.3 or rule 5.903.
 - C. Notice of the hearing to the parents of a non-minor dependent as defined in section 11400(v) is not required.
 - D. If juvenile court jurisdiction was previously terminated with the juvenile court retaining general jurisdiction for the purpose of resuming its jurisdiction, and jurisdiction was subsequently resumed, a hearing under this rule must be held if the non-minor dependent wants juvenile court jurisdiction terminated again.
 - E. If the court determines that the social worker's report prepared for the hearing, Transitional Independent Living Case Plan (TILCP), Transitional Independent Living Plan (TILP), and 90-day Transition Plan do not provide all information required below in section III and the court is unable to make all the findings and orders required below in sections IV and V, the hearing must be continued for no more than five court days for the submission of additional information,
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III. Reports and supporting documents

- A. The social worker report must include the following information:
 - 1. Whether remaining under juvenile court jurisdiction is in the non-minor's best interests and the facts supporting the conclusion reached;
 - 2. The specific criteria in section 11403(b) met by the non-minor that makes him or her eligible to remain under juvenile court jurisdiction as a non-minor dependent;
 - 3. For an Indian non-minor to whom the Indian Child Welfare Act (ICWA) applies, when and how the non-minor was provided with information about the right to continue to be considered an Indian child for the purposes of the ongoing application of ICWA;
 - 4. Whether the non-minor has applied for title XVI Supplemental Security Income (SSI) benefits and, if so, the status of any pending application and whether remaining under juvenile court jurisdiction until a final SSI decision has been issued is in the non-minor's best interests;
 - 5. Whether the non-minor has applied for Special Immigrant Juvenile Status or other application for legal residency and, if so, the status of any pending application and whether an active juvenile court case is required for that application;
 - 6. When and how the non-minor was provided with information about the potential benefits of remaining under juvenile court jurisdiction as a non-minor dependent, and the social worker's assessment of the non-minor's understanding of those benefits;
 - 7. When and how the non-minor was informed that if juvenile court jurisdiction is terminated with the court retaining general jurisdiction, the non-minor has the right to file a request to return to foster care and the juvenile court jurisdiction as a non-minor dependent;

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8. When and how the non-minor was informed that if juvenile court jurisdiction is continued, he or she has the right to have juvenile court jurisdiction terminated;
9. For a non-minor who is not present for the hearing:
 - a. Documentation of the non-minor's statement that the non-minor did not wish to appear in court for the scheduled hearing; or
 - b. Documentation of the reasonable efforts made to locate the non-minor whose current location is unknown; and
10. Verification that the non-minor was provided with the information, documents, and services as required under section 391(e)(l)--(8); and
- B. A completed *Termination of Juvenile Court Jurisdiction-Nonminor* (form JV-365), the non-minor's TILCP if the recommendation is for continuation of juvenile court jurisdiction, the non-minor's most recent TILP, and the non-minor's completed 90-day Transition Plan must be filed with the social worker's report.
- C. The social worker report and all documents must be filed with the court at least 10 calendar days before the hearing, and the social worker must provide copies of the report and other documents to the non-minor, the non-minor's parents, and all attorneys of record. If the non-minor is under juvenile court jurisdiction as a non-minor dependent, the social worker is not required to provide copies of the report and documents to the non-minor parents.

Judicial Findings and Orders

All judicial findings and orders must be made on the record and included in the written, signed court documentation of the hearing.

IV. Findings

- A. Notice of the date, time, and location of the hearing was given as required by law;
- B. For a non-minor who is not present for the hearing, the reason for the non-minor's failure to appear was:
 1. The non-minor expressed a wish to not appear in court for the scheduled hearing and did not appear; or
 2. The non-minor's current location remains unknown although reasonable efforts were made to locate the non-minor.
- C. The non-minor had the opportunity to confer with his or her attorney about the issues currently before the court. (The non-minor must have had the opportunity to confer with his or her attorney prior to termination of jurisdiction unless the court finds the non-minor's whereabouts are unknown and reasonable efforts were made to locate the non-minor);
- D. Remaining under juvenile court jurisdiction (is or is not) in the non-minor's best interests and the facts in support of this finding were stated on the record.
- E.
 1. The non-minor does not meet the eligibility criteria in 11403(b) to remain in foster care as a non-minor dependent under juvenile court jurisdiction at this time; or
 2. The non-minor meets the eligibility criteria in section 11403(b) to remain in foster care as a non-minor dependent. The specific criteria met by the non-minor is:
 - a. Attending high school or a high school equivalency certificate (GED) program
 - b. Attending a college, a community college, or a vocational education program
 - c. Attending a program or participating in an activity that will promote or help remove a barrier to employment
 - d. Employed at least 80 hours per month
 - e. The NMD is not able to attend a high school, a GED program, a college, a community college, a vocational education program, an employment program or activity or to work 80 hours per month due to a medical condition;

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- F. For a non-minor who has an in-progress application pending for title XVI Supplemental Security Income benefits: The non-minor has an in-progress application pending for title XVI Supplement Security Income benefits and the continuation of juvenile court jurisdiction until a final decision has been issued to ensure that the child receives continued assistance with the application process (is or is not) in the non-minor's best interest;
- G. For a non-minor who has an in-progress application pending for Special Immigrant Juvenile Status or other legal residency application, an active juvenile court case (is or is not) required for that application;
- H. The non-minor was informed of the options available to assist with the transition from foster care to independence;
- I. The potential benefits of remaining in foster care under juvenile court jurisdiction were explained to the non-minor and the non-minor has stated that he or she understands those benefits;
- J. The non-minor was informed that if juvenile court jurisdiction is continued, he or she may have the right to have juvenile court jurisdiction terminated with the court retaining general jurisdiction for the purpose of resuming jurisdiction over him or her as a non-minor dependent;
- K. The non-minor was informed that if juvenile court jurisdiction is terminated with the court retaining general jurisdiction, he or she has the right to file a petition to have the court resume jurisdiction over him or her so long as he or she is within the eligible age range for status as a non-minor dependent;
- L.
 - 1. The non-minor was provided with the information, documents, and services set forth in section 391(e) and a completed *Termination of Juvenile Court Jurisdiction Nonminor* (form JV-365) was filed with this court; *or*
 - 2. The non-minor was not provided with the information, documents, and services set forth in section 391(e) and juvenile court jurisdiction is continued to ensure that all information, documents, and services are provided (Continue jurisdiction for receipt of information, documents, and services unless the court finds the non-minor's whereabouts are unknown and reasonable efforts were made to locate the non-minor);
- M. For a non-minor to whom the Indian Child Welfare Act applies:
 - 1. The non-minor intends to continue to be considered an Indian child for purposes of the ongoing application of ICWA to the non-minor as a non-minor dependent; *or*
 - 2. The non-minor does not intend to continue to be considered an Indian child for purposes of the ongoing application of ICWA to the non minor as a non minor dependent;
- N.
 - 1. The Transitional Independent Living Case Plan includes a plan for a placement the non-minor believes is consistent with his or her need to gain independence, reflects the agreements made to obtain independent living skills, and sets out the benchmarks that indicate how the non-minor and social worker will know when independence can be achieved;
 - 2. The Transitional Independent Living Plan identified the non-minor's level of functioning, emancipation goals, and the specific skills he or she needs to prepare to live independently upon leaving foster care; *and*
 - 3. The 90-day Transition Plan is a concrete individualized plan that specifically covers the following areas: housing, health insurance, education, local opportunities for mentors and continuing support services, workforce supports and employment services, and information that explains how and why to designate a power of attorney for health care.

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V. Orders: Juvenile court jurisdiction continued

- A. The non-minor meets at least one of the conditions in section 11403(b) and eligibility criteria for status as a non-minor dependent *and*
 - 1. Dependency jurisdiction over the non-minor as a non-minor dependent is ordered;
 - 2. The non-minor's permanent plan is independence after a period of placement in supervised settings specified in section 11402;
 - 3. For a non-minor to whom the Indian Child Welfare Act applies: The non-minor is an Indian child and (has or has not) elected to have the Indian Child Welfare Act apply;
 - 4. The matter is continued for six months for a non-minor dependent status review hearing per rule of court 5.903.
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VI. Orders: Juvenile court jurisdiction terminated

- A. Reasonable efforts were made to locate the non-minor and his or her current location remains unknown. The juvenile court's jurisdiction over the minor is terminated with the juvenile court retaining general jurisdiction over the non-minor for the purposes of considering a petition filed under section 388(e) to resume dependency jurisdiction or to assume or resume transition jurisdiction over him or her as a non-minor dependent; *or*
- B. The non-minor:
 - 1. Does not meet the eligibility criteria for status as a non-minor dependent and is not otherwise eligible to remain under juvenile court jurisdiction; *or*
 - 2. Does meet the eligibility criteria for status as a non-minor dependent but does not wish to remain under juvenile court jurisdiction as a non minor dependent; *or*
 - 3. Does meet the eligibility criteria for status as a non-minor dependent but is not participating in a reasonable and appropriate Transitional Independent Living Case Plan; *and*
 - 4. The relevant findings under rule 5.555 were made. The juvenile court's jurisdiction over the non-minor is terminated, with the juvenile court retaining general jurisdiction over the non-minor for the purpose of considering a petition filed under section 388(e) to resume dependency jurisdiction or to assume or resume transition jurisdiction over him or her as a non-minor dependent; *or*
- C. The non-minor is no longer within the eligible age range for status as a non-minor dependent subject to the jurisdiction of the juvenile court. The relevant findings under rule 5.555 were made. Juvenile court jurisdiction over the non-minor is dismissed.